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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,520	10/18/2001	Killian D. Murphy	CTV-006	8686

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BEVER HOFFMAN & HARMS, LLP  
TRI-VALLEY OFFICE  
1432 CONCANNON BLVD., BLDG. G  
LIVERMORE, CA 94550

EXAMINER
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TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/033,520

Applicant(s)

MURPHY, KILLIAN D.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In view of the Appeal Brief filed on 12/19/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11, 14-15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. [US. 6,704,034] in view of Mullet et al. [US. 5,638,523].

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**As to claims 1, 14 and 18**, Rodriguez et al. disclose identifying a selected region of a first image adjacent to a cursor in the GUI (figure 3F, the first image 302 is adjacent to the cursor 306), forming a magnified image including an enlarged version of the first image located in the selected region (figure 3F, the magnified image 314 including the enlarge version, column 5, lines 5-35), superimposing the magnified image over the first image such that the magnified image masks the selected region (figure 3F, superimposing the magnified image 314 over the first image 302);

Rodriguez et al. fail to clearly teach the feature of a predetermined height and width that is independent of a position of the cursor in the GUI. Mullet et al. teach the predetermined height and width at figures 3A-3B, 3D. The selected region size is unchangeable that is independent of the position of the cursor. The selected region moves up and down, but maintains its circle shape.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the Mullet's system with Rodriguez's superimposing the magnified image over the first image. Motivation of the combination would have been to maximize the readability of the magnified text.

Rodriguez et al. in view of Mullet et al. fail to clearly teach superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image. However, <sup>Rodriguez et al.</sup> suggested that the cursor 306 can be moved to an image 314 (figure 3F, column 5, lines 50-55). Official notice is taken that implementation of the step of superimposing the cursor over

the magnified image to form a second image would have been well known in the art of computer interface because the cursor 306 can be superimposed over anyplace on the magnified image 314 by a user. The user can move the cursor (306) either beside the selected region (of the object 314) or right on the selected region (of the object 314) base on user's desire. This is just a user's choice.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the well known implementation of superimposing the cursor over the magnified image to form a second image to combine with Rodriguez's superimposing the magnified image over the first image. Motivation of the combination would have been to facilitate selection of the background image 302.

**As to claims 2 and 19,** Rodriguez et al. also disclose the magnified image having a width equal to a width of the GUI, thereby enhancing the readability of the text in the first image (figures 3H).

**As to claims 3 and 20,** Rodriguez et al. show a location identified by the cursor relative to the magnified image being co-located with a location identified by the cursor relative to the first image (column 5, lines 50-65).

**As to claims 4 and 21,** Rodriguez et al. also show a user visually interacting with a magnified interface element at the location identified by the cursor relative to the magnified image actually interacting with an interface element at

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the location identified by the cursor relative to the first image (column 5, lines 40-67).

**As to claims 11 and 15**, Rodriguez et al. disclose the magnified image being superimposed over the first image such that a first edge of the magnified image extends to a first edge of the first image and a second edge of the magnified image extends to a second edge of the first image (figure 3E-figure 3H).

Claims 5-10, 12-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. [US. 6,704,034] in view of Mullet et al. [US. 5,638,523] and further in view of Chui et al. [US. 6,407,747].

**As to claim 5**, Rodriguez et al. in view of Mullet et al. fail to clearly teach determining Cartesian coordinate data identifying a location of the cursor, calculating upper and left boundaries of the selected region based on the Cartesian coordinate data. However, in the same field of the invention, Chui et al. show determining Cartesian coordinate data is disclosed at figure 4H and calculating upper and left boundaries at column 6, lines 56-67 and column 7, lines 35-47. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a correct position.

**As to claim 6**, Rodriguez et al. in view of Mullet et al. fail to clearly teach multiplying a distance from the cursor to a left boundary of the magnified image by a width of the selected region to form a first factor and dividing the first factor

by a width of the magnified image to form a second factor; and subtracting the second factor from an X Cartesian coordinate of the cursor. However, in the same field of the invention, Chui et al. also teach multiplying a distance from the cursor to a left boundary at column 8, lines 25-55 and dividing the first factor by a width of the magnified image to form a second factor; and subtracting the second factor from an X Cartesian coordinate of the cursor at column 4, lines 52-67. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

**As to claim 7**, Rodriguez et al. in view of Mullet et al. fail to clearly teach multiplying a distance from the cursor to a upper boundary of the magnified image by a height of the selected region to form a third factor and dividing the third factor by a height of the magnified image to form a fourth factor; and subtracting the fourth factor from a Y Cartesian coordinate of the cursor.

However, in the same field of the invention, Chui et al. also teach multiplying a distance (column 7, lines 35-47 and column 8, lines 30-65); dividing the third factor by a height of the magnified image and subtracting the fourth factor from a Y Cartesian coordinate of the cursor (column 4, lines 52-67). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian

coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

**As to claims 8, 12 and 16**, Rodriguez et al. also provide the second image being displayed within a television safe area on a display screen (figure 3H).

**As to claim 9**, Rodriguez et al. in view of Mullet et al. fail to clearly teach alpha blending the first image with the magnified image, such that the first image shows through the magnified image. However, in the same field of the invention, Chui et al. demonstrate alpha blending the first image with the magnified image (column 7, lines 20-46).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

**As to claim 10**, Rodriguez et al. disclose identifying a selected region of a first image adjacent to a cursor in the GUI (column 7, lines 10-20); forming a magnified image including an enlarged version of the first image located in the selected region (column 5, lines 5-35), superimposing the magnified image over the first image such that the magnified image masks the selected region (figure 3G-3H, column 5, line 50 through column 6, line 15) and superimposing the cursor over the magnified image to form a second image (column 5, lines 42-50 "in figure 3D pointer 306 is over image 304, which is presented in a magnified or larger form". Rodriguez et al. in view of Mullet et al. fail to clearly teach the



step of determining Cartesian coordinate data identifying a first point on the first image located under the cursor and the step of masking the cursor a portion of the magnified image. However, in the same field of the invention, the step of determining Cartesian coordinate data identifying a first point on the first image located under the cursor are disclosed by Chui at column 6, lines 56-67 and column 7, lines 35-47. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Chui's teaching with Rodriguez's magnified image. Motivation of the combination would have been to locate the cursor and the image at a right location.

Beside, Official notice is taken that implementation of the step of superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image would have been well known in the art of computer interface because the cursor 306 can be superimposed over anyplace on the magnified image 314 by a user. The user can move the cursor (306) either beside the selected region (of the object 314) or right on the selected region (of the object 314) base on user's desire. This is just a user's choice.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the well known implementation of superimposing the cursor over the magnified image to form a second image to combine with Rodriguez's superimposing the magnified image over the first

image. Motivation of the combination would have been to facilitate selection of the background image 302.

**As to claim 13**, Rodriguez et al. fail to clearly teach a user visually interacting with a magnified interface element at the second point actually interacts with an interface element at first point. However, in the same field of the invention, the claimed limitation is disclosed by Chui at column 11, lines 12-32. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

**As to claim 17**, Rodriguez et al. fail to clearly teach a user visually interacting with a magnified interface element at the second selected point actually interacts with an interface element at first selected point. However, in the same field of the invention, the claimed limitation is disclosed by Chui at column 11, lines 12-35. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

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**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**